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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,794	05/15/2007	Konrad Eipper	095309.57762US	8655

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EXAMINER
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GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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06/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,794	<b>Applicant(s)</b> EIPPER, KONRAD	
	<b>Examiner</b> ERNESTO GARCIA	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009 and 02 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Restriction*

Claims 8-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 3, 2009.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “1” has been used to designate a hollow profile with a first configuration (Figures 1 and 2), a hollow profile with a second configuration (Figure 3), and another hollow profile with a third configuration (Figure 4).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “5” has been used to designate an outer side with a first configuration (Figures 1 and 2), a outer side with a second configuration (Figure 3), and another outer side with a third configuration (Figure 4).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “8” has been used to designate a combination with a first

configuration (Figure 2), a combination with a second configuration (Figure 3), and another combination with a third configuration (Figure 4).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "11" has been used to designate an adhesive with a first configuration (Figure 1; appears to be circular like an o-ring), and another adhesive with a second configuration (Figures 2-4).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "8" has been used to designate both a step with a first configuration (Figure 3), and another step with a second configuration (Figure 4).

The drawings are objected to because the adhesive in Figures 2-4 should not be shown with solid black shading instead the cross-section should contain cross-hatching to differentiate that there is adhesive in between.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement

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sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The substitute specification filed June 2, 2006 has been entered because it does conform to 37 CFR 1.125(b) and (c).

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should avoid using phrases, which can be implied, such as, "The disclosure concerns", "The disclosure defined by this invention", "The disclosure describes", "Disclosed is", "The present invention relates to", etc. Accordingly, the abstract is objected. Further, the abstract must be one paragraph.

***Claim Objections***

Claim 14 is objected to because of the following informalities:

regarding claim 14, “combined” in line 2 should be deleted and --the-- should be inserted after “and” in line 3. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Beyer, DE-10,221,880.

Regarding claim 13, Beyer discloses, in Figure 1D, a hollow profile joint comprising a hollow profile **4**, a joint part **5**, and an adhesive **6** (see English translation [028]. The hollow profile **4** is located in a through-opening of the joint part **5** at a joint point. The hollow profile **4** is expanded at least at the joint point and adjacent to the joint part such that an annular bead-shaped step, formed on the hollow profile **4**, bears

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against the joint part and the adhesive **6** is located between an inner side of the joint part **5** and an outer side of the hollow profile **4** at the joint point.

Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Varela, US2003/0057764.

Regarding claim 13, Varela discloses, in Figure 2, a hollow profile joint comprising a hollow profile **28**, a joint part **24**, and an adhesive [016]. The hollow profile **28** is located in a through-opening of the joint part **24** at a joint point. The hollow profile **28** is expanded at least at the joint point and adjacent to the joint part such that an annular bead-shaped step, formed on the hollow profile **28**, bears against the joint part and the adhesive is located between an inner side of the joint part **24** and an outer side of the hollow profile **28** at the joint point.

Regarding claim 14, a fastening section **A1** (see marked-up attachment) is arranged on the joint part **24**. Note that the fastening section **A1** can permit fastening of the joint part and the hollow profile to another component.

Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaltsounis, EP-1318,292.

Regarding claim 13, Kaltsounis discloses, in Figure 2, a hollow profile joint comprising a hollow profile **22**, a joint part **24**, and an adhesive **40** [0017]. The hollow profile **22** is located in a through-opening of the joint part **24** at a joint point. The hollow profile **22** is expanded at least at the joint point and adjacent to the joint part such that an annular bead-shaped step, formed on the hollow profile **22**, bears against the joint part and the adhesive **40** is located between an inner side of the joint part **24** and an outer side of the hollow profile **22** at the joint point.

Regarding claim 14, a fastening section **28** is arranged on the joint part **24**. Note that the fastening section **28** can permit fastening of the joint part and the hollow profile to another component.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freidwald et al, 6,874,384, and Woodard et al., 6,945,728, show a similar hollow profile joint without adhesive. It would have been obvious to add adhesive to seal the joint or to better increase the joined interface of the components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Victor MacArthur/  
Primary Examiner, Art Unit 3679

/E. G./

Examiner, Art Unit 3679

June 23, 2009

Attachment: one marked-up page of Varela, US2003/0057764

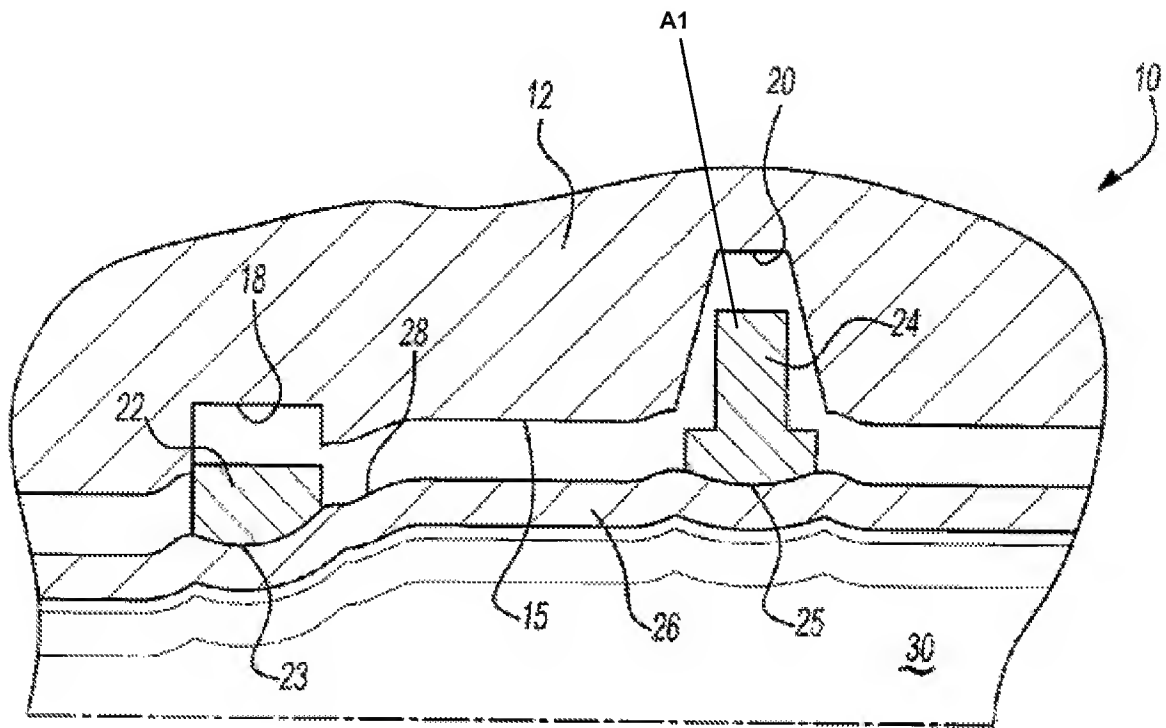


Fig-2